

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:	Bankruptcy Appeal No. 20-cv-583-CM
THE GREAT ATLANTIC & PACIFIC TEA COMPANY, INC., et al., ¹	Chapter 11 No. 15-bk-23007-RDD
Debtors.	Jointly Administered
THE GREAT ATLANTIC & PACIFIC TEA COMPANY, INC., et al.,	Adversary Proceeding No. 18-ap-8245-RDD
Plaintiffs-Appellees,	<u>NOTICE OF MOTION</u>
- against -	
PEPSICO, INC., BOTTLING GROUP, LLC, FRITO-LAY NORTH AMERICA, INC., QUAKER SALES AND DISTRIBUTION, INC., MULLER QUAKER DAIRY, LLC, STACY'S PITA CHIP COMPANY, INC., PEPSI BOTTLING GROUP, NJ, and PEPSI USA,	
Defendants-Appellants.	

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law in Support, dated June 9, 2020, the above-named Defendants-Appellants hereby move to alter or amend the Order Denying Motion for Leave to Take an Interlocutory Appeal, entered May 18, 2020 [ECF No. 13], and subsequent Judgment of the Clerk [ECF No. 14] as proposed in the Memorandum of Law in Support, pursuant to Rule 59(e), and granting such other and further relief as this Court deems just and proper.

¹ The Debtors are: 2008 Broadway, Inc.; The Great Atlantic & Pacific Tea Company, Inc.; A&P Live Better, LLC; A&P Real Property, LLC; APW Supermarket Corporation; APW Supermarkets, Inc.; Borman's, Inc.; Delaware County Dairies, Inc.; Food Basics, Inc.; Kwik Save Inc.; McLean Avenue Plaza Corp.; Montvale Holdings, Inc.; Montvale-Para Holdings, Inc.; Onpoint, Inc.; Pathmark Stores, Inc.; Plainbridge LLC; Shopwell, Inc.; Super Fresh Food Markets, Inc.; The Old Wine Emporium of Westport, Inc.; Tradewell Foods of Conn., Inc.; and Waldbaum, Inc.

PLEASE TAKE FURTHER NOTICE, that pursuant to Rule 8013(a)(3)(A), response papers, if any, must be filed within seven (7) days following service hereof.

Dated: June 9, 2020

Respectfully submitted,

/s/ Jeffrey Chubak
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- and -

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